

**PLANNING BOARD
RESOLUTION No. 2013-41**

**A RESOLUTION OF THE CITY OF KEY WEST
PLANNING BOARD FOR GRANTING APPROVAL
VARIANCES TO IMPERVIOUS SURFACE RATIO,
SIDE YARD, AND STREET-SIDE YARD SETBACK
REQUIREMENTS, AND A WAIVER TO OPEN SPACE
AND BUFFER YARDS FOR PROPERTY LOCATED
AT 2222 NORTH ROOSEVELT BOULEVARD
(RE#00051100-000100, AK#1051721) IN THE CG
ZONING DISTRICT, PER SECTION 122-420 (4)b. 122-
420 (6)b. & c. AND 108-412 & 108-413, RESPECTIVELY,
OF THE LAND DEVELOPMENT REGULATIONS OF
THE CODE OF ORDINANCES OF THE CITY OF KEY
WEST.**

WHEREAS, Section 122-420 (4)b. and Section 122-420(6) b.& c. of the Code of Ordinances provides that the maximum impervious surface ratio is 60 % and minimum allowed side-yard setback 15 feet and the minimum street-side set back is 20 feet; and

WHEREAS, the applicant requested variance and waiver to the proposed impervious surface ratio and to the side-yard and street-side yard setbacks; and

WHEREAS, Section 108-412 requires a minimum of 20% of the total land area be landscaped and Section 108-413 requires a minimum landscape width of 10 feet along any right-of-way; and

WHEREAS; the applicant requested a waiver to these two requirements by providing a

 Chairman

 Planning Director

landscaped area of 8% over the existing 8% for a total of 12% and providing 20 feet of landscaping along Paterson Avenue and 10 feet along a portion of Fifth Street; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on August 15, 2013; and

WHEREAS, the Planning Board finds that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other land, structures or buildings in the same district; and

WHEREAS, the Planning Board finds that the special conditions do not result from the action or negligence of the applicant; and

WHEREAS, the Planning Board finds that granting the variance and waiver requested will not confer upon the applicant any special privileges denied by the land development regulations to other lands, buildings or structures in the same zoning district; and

WHEREAS, the Planning Board finds that literal interpretation of the provisions of the land development regulations would deprive the applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant; and

 Chairman
 Planning Director

WHEREAS, the Planning Board finds that the variance and waiver granted are the minimum variance and waiver that will make possible the reasonable use of the land, building or structure; and

WHEREAS, the Planning Board finds that the granting of the variance and waiver will be in harmony with the general intent and purpose of the land development regulations and that such variance and waiver will not be injurious to the area involved or otherwise detrimental to the public interest or welfare; and

WHEREAS, the Planning Board finds that no nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of any variance and waiver; and

WHEREAS, the Planning Board finds that the applicant has demonstrated a “good neighbor policy” by contacting or making a reasonable attempt to contact all noticed property owners who have objected to the variance and waiver application, and by addressing the objections expressed by those neighbors;

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the City of Key West,
Florida:

 Chairman
 Planning Director

Section 1. That the above recitals are incorporated by reference as if fully set forth herein.

Section 2. An approval by resolution of the Key West Planning Board for variance and waiver per plans dated May 14, 2013, on property located at 2222 North Roosevelt Boulevard (RE# 00051100-000000) in the CG zoning district per Sections 122-420(4)b. 122-420(6) b.&c., 108-412 and 108-413 of the Land Development Regulations of the Code of Ordinances of the City of Key West with the following condition:

The applicant prepare a landscape plan to be approved by the Tree Commission prior to the issuance of a Building Permit.

Section 3. It is a condition of these variance and waiver that full, complete, and final application for all conditions of this approval for any use and occupancy for which these variance and waiver are wholly or partly necessary, shall be submitted in their entirety within two years after the date hereof; and further, that no application or shall be made after expiration of the two-year period without the applicant obtaining an extension from the Planning Board and demonstrating that no change of circumstances to the property or its underlying zoning has occurred.

Section 4. The failure to fully and completely apply the conditions of approval for permits for use and occupancy pursuant to these variance and waiver in accordance with the terms of the as described in Section 3 hereof, shall immediately operate to terminate these variance and waiver, which variance and waiver shall be of no force or effect.


Chairman



Planning Director

Section 5. These variance and waiver do not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of applicant's assertion of legal authority respecting the property.

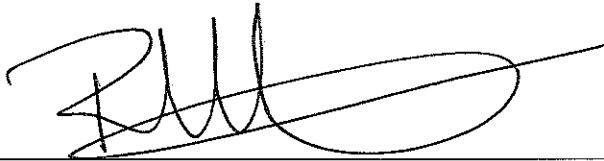
Section 6. This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

Section 7. This resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit or development order will be rendered to the Florida Department of Economic Opportunity. Pursuant to Chapter 9J-1, F.A.C., this permit or development order is not effective for forty five (45) days after it has been properly rendered to the DEO with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty five (45) day review period the DEO can appeal the permit or development order to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit until the appeal is resolved by agreement or order.

Read and passed on first reading at a regularly scheduled meeting held this 15th day of August, 2013.

 Chairman
 Planning Director

Authenticated by the Chairman of the Planning Board and the Planning Director.



Richard Klitenick
Planning Board Chairman

8/21/13
Date

Attest:

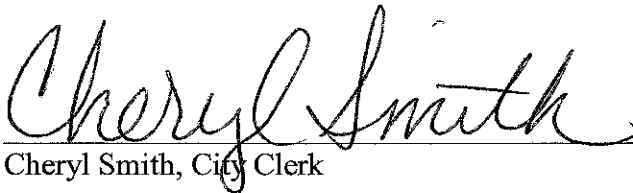


Donald Leland Craig, AICP, Planning Director

8-20-13

Date

Filed with the Clerk:




Cheryl Smith, City Clerk

8-27-13

Date

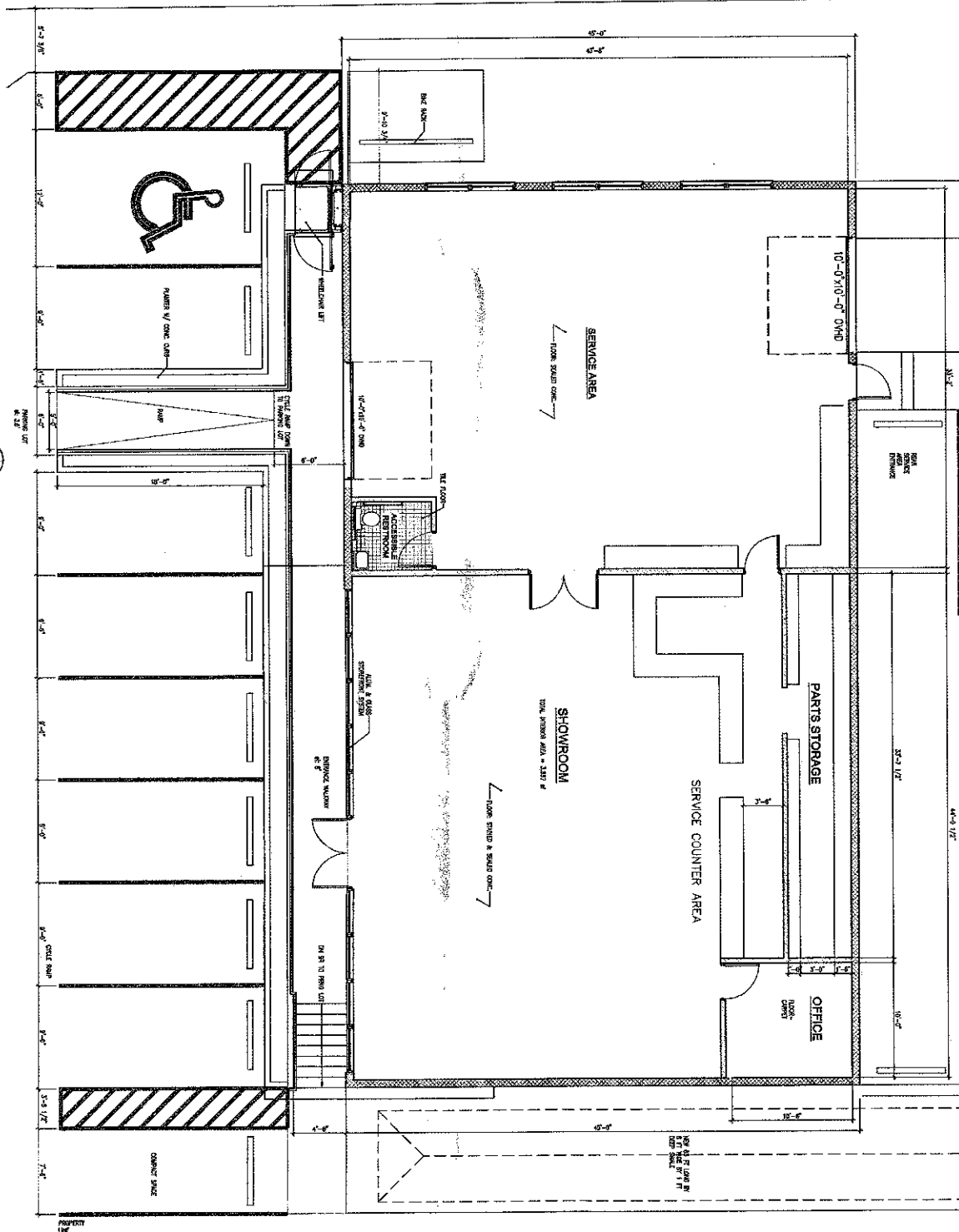
Chairman

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Planning Director

Sheet Number:
A-1

Date: MAY 14, 2013

1
PROPOSED FLOOR PLAN
SCALE: 1/8" = 1'-0"



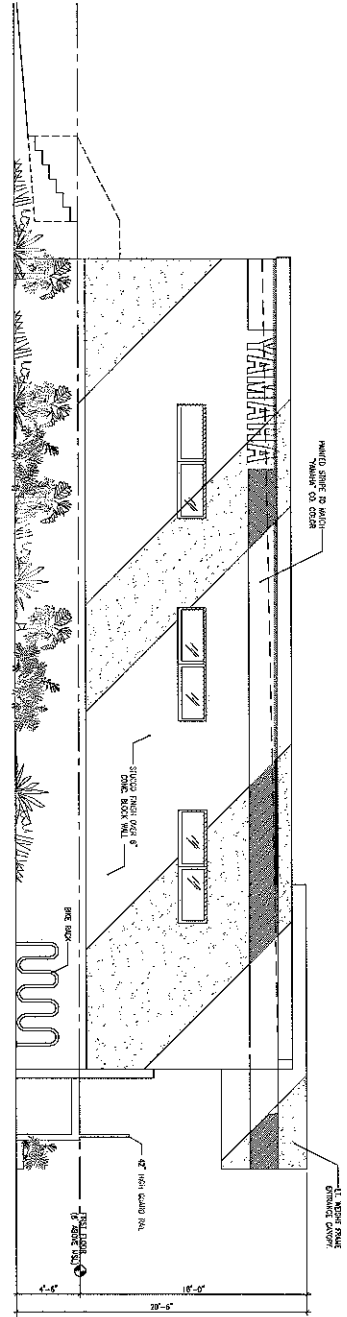
DC
8/20/13
RUK

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|------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| YAMAHA PROPOSED RETAIL STORE 2222 N. ROOSEVELT BLVD. KEY WEST, FLORIDA | | General Notes: 1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES (IBC) AND THE FLORIDA BUILDING CODE (FBC). 2. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL BUILDING DEPARTMENT. |
| Project No.: 1000000000 Date: 8/20/13 Drawn By: [Signature] Checked By: [Signature] Project Manager: [Signature] | Title: Proposed Floor Plan Scale: 1/8" = 1'-0" Date: 8/20/13 | Project Location: 2222 N. ROOSEVELT BLVD. KEY WEST, FLORIDA |

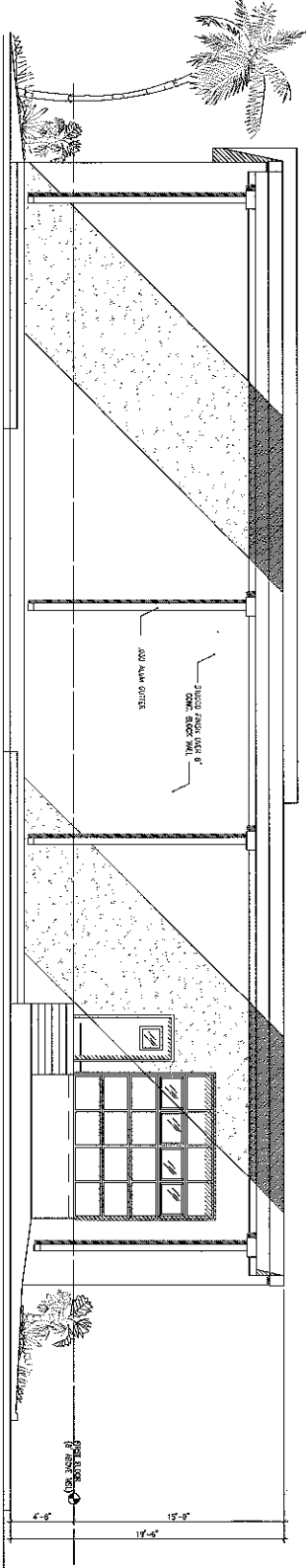


PC
82013

[illegible]



2 EAST ELEVATION
SCALE: 1/4"=1'-0"



1 SOUTH ELEVATION
SCALE: 1/4"=1'-0"

82213
RUK

| | | |
|----------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|
| YAMAHA PROPOSED RETAIL STORE 2222 N. ROOSEVELT BLVD. KEY WEST, FLORIDA | | General Notes: 1. SEE ALL NOTES ON ALL SHEETS. 2. SEE ALL NOTES ON ALL SHEETS. 3. SEE ALL NOTES ON ALL SHEETS. |
| Drawn By: [Blank] Picked Up: [Blank] Project No.: [Blank] Scale: [Blank] Date: [Blank] | Checked By: [Blank] Picked Up: [Blank] Project No.: [Blank] Scale: [Blank] Date: [Blank] | Yamaha Engineering, LLC 2222 N. ROOSEVELT BLVD. KEY WEST, FLORIDA 33545 (305) 241-1111 (305) 241-1112 (305) 241-1113 |